

REMARKS

Entry of the foregoing amendments and reconsideration of the above identified application are respectfully requested in view of the following remarks.

I. Claim Status:

Claims 1-23 were pending in the present application prior to the submission of this amendment. Claim 1 is the only independent claim. In the Office Action dated 12/26/2007, all of the pending claims (1 through 23) were rejected by the Examiner.

By this amendment, Applicants have amended independent claim 1, and added new dependent claim 24. No new matter has been introduced.

II. Response to Rejections under 35 U.S.C. §103:

In the Office Action, all of the pending claims have been rejected under 35 U.S.C. §103(a). More specifically, claims 1, 2, 5-7, 12, 13, 16-18 and 23 were rejected as being unpatentable over U.S. Patent No. 3,211,362 to Laskey *et al.* (hereafter "Laskey") in view of JP 61200391 A to Kushiro *et al.* (hereafter "Kushiro").

Claims 3 and 14 were rejected as being unpatentable over Laskey in view of Kushiro and further in view of U.S. Patent No. 5,626,188 to Dewar *et al.* (hereafter "Dewar").

Claims 4 and 15 were rejected as being unpatentable over Laskey in view of Kushiro and further in view of U.S. Patent No. 3,608,629 to Cowans *et al.* (hereafter "Cowans").

Claims 8, 10, 11, 19, 21, and 22 were rejected as being unpatentable over Laskey in view of Kushiro and further in view of U.S. Patent No. 3,151,672 to Edmund *et al.* (hereafter "Edmund").

Claims 9 and 20 were rejected as being unpatentable over Laskey in view of Kushiro and further in view of U.S. Patent No. 4,615,384 to Shimada *et al.* (hereafter "Shimada").

Applicants traverse each and every rejection to the extent that such rejections may be applicable to the claims. With this response, Applicants have amended independent claim 1 to further clarify the claimed invention. More specifically, claim 1 now more specifically recite

the structure of a first cooling chamber provided so as “to surround a discharge port for cooling the gas flowing therethrough.” Support for this amendment may be found throughout the specification, as originally filed, including e.g., Figure 2 and page 8, lines 10-16, page 10 line 19 – page 11, line 7, and page 14, line 21 – page 15, line 10.

Applicants respectfully assert that these actions have been undertaken solely to expedite prosecution and advance this application towards allowance. Therefore, it is respectfully submitted that any and all claim amendments submitted herein are without prejudice or disclaimer. That is, any amendments to the claims or statements made, should not be taken as an indication or admission that the cited references anticipate or suggest the claimed invention.

Applicants’ invention, as defined by amended claim 1, now recites:

A compressor, which is cooled by cooling medium, comprising:
a compression chamber in which gas is compressed and then discharged therefrom;
a first cooling chamber, in which the cooling medium flows, provided so as to adjoin the compression chamber for cooling the gas in the compression chamber and to surround a discharge port for cooling the gas flowing therethrough; and
a second cooling chamber adjoining the first cooling chamber, the second cooling chamber having a gas passage in which the discharged gas flows and a medium passage in which the cooling medium flows, the medium passage being arranged so as to restrain transmission of heat of the discharged gas in the gas passage to the cooling medium in the first cooling chamber.

Laskey is directed to superchargers of the type commonly called turbochargers. The Office Action concedes that “Laskey does not teach a first cooling chamber.” [12/26/07 Office Action, p. 3]. For that element, the Office Action looks to Kushiro and asserts that Kushiro teaches “a scroll compressor having a first cooling chamber (item 1b in Fig. 1) adjoining the scroll.” [12/26/07 Office Action, p. 3]. Without commenting on that assertion, we note that there is no evidence to this assertion. That is, Applicant cannot find that Kushiro teaches, discloses, or suggests “a first cooling chamber, in which the cooling medium flows, provided so as to adjoin the compression chamber for cooling the gas in the compression chamber and to surround a discharge port for cooling the gas flowing therethrough” as recited in Applicant’s amended claim 1.

In addition, as correctly asserted by the Examiner in the Advisory Action (page 3), “[t]he claimed limitation that there is a first cooling chamber provided... to surround a

discharge port for cooling the gas flowing therethrough...constitutes a limitation that is substantially different from that which was previously present.” Emphasis provided.

Accordingly, Applicants submit that none of the cited references, either taken alone or in combination, teach or imply, at least, the subject matter of amended claim 1.

Further, Applicants respectfully assert that the additional references cited (i.e., Dewar, Cowans, Edmund, and Shimada) do not cure Laskey’s deficiencies as discussed above. That is to say, these additional references do not disclose or suggest “a first cooling chamber, in which the cooling medium flows, provided so as to adjoin the compression chamber for cooling the gas in the compression chamber and to surround a discharge port for cooling the gas flowing therethrough” as recited in Applicant’s amended claim 1.

As a result, Applicants respectfully assert that none of the cited references, or combinations thereof, discloses or suggests the claimed subject matter. Accordingly, for at least the foregoing reasons, Applicants respectfully submit that claim 1 is distinguishable over Laskey and Kushiro. Dependent claims 2-23 are also believed to be distinguishable from the cited references for at least similar reasons as set forth above in reference to independent claim 1.

III. New Claims:

Applicants have added new dependent claim 24. Support for the subject matter of claim 24 may be found throughout the specification, as originally filed, including FIG. 1 and description thereof. Applicants respectfully submit that the new claim is distinguishable from the cited references for at least the same reasons as set forth above in reference to claim 1.

* * *

In view of the foregoing arguments and amendments, Applicants respectfully assert that all of the pending claims in the present application are distinguishable from Laskey, Kushiro, Dewar, Cowans, Edmund, Shimada, and combinations thereof. Accordingly, withdrawal of the rejections and a favorable examination on the merits is respectfully requested.

CONCLUSION

Based on the foregoing amendments and remarks, Applicants respectfully request reconsideration and withdrawal of the rejection of claims and allowance of this application.

AUTHORIZATION

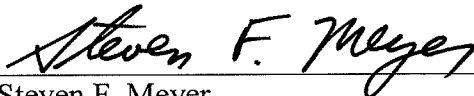
The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. **13-4500**, Order No. 5095-4085. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. **13-4500**, Order No. 5095-4085. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: April 10, 2008

By:



Steven F. Meyer

Registration No. 35,613

Correspondence Address:

Address Associated With Customer Number:
27123

(212) 415-8700 Telephone

(212) 415-8701 Facsimile